

EXHIBIT D

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 TERRI PECHNER-JAMES
and SONIA FERNANDEZ,
5 Plaintiffs

6
7 VS. VOLUME IX
C.A. NO. 03-12499-MLW

8 CITY OF REVERE; THOMAS
9 AMBROSINO, MAYOR; CITY OF
REVERE POLICE DEPARTMENT,
10 TERRENCE REARDON, CHIEF;
BERNARD FOSTER, SALVATORE
11 SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
JOHN NELSON, JAMES RUSSO,
MICHAEL MURPHY, and STEVEN FORD,
12 Defendants

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16 CONTINUED DEPOSITION of TERRI

17 PECHNER-JAMES taken at the request of the

18 defendants pursuant to Rule 30 of the Federal

19 Rules of Civil Procedure before Nancy A.

20 Diemdowicz, Registered Merit Reporter, a

21 notary public in and for the Commonwealth of

22 Massachusetts, on June 22, 2006, commencing at

23 9:15 A.M. at the City Hall, 281 Broadway,

24 Revere, Massachusetts.

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I N D E X

DEPONENT: TERRI PECHNER-JAMES

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1 MR. PORR: We're back on the record
2 with Ms. James' continuing deposition.

3

4 EXAMINATION BY MR. PORR:

5 Q. Good morning, Ms. James.

6 A. Good morning.

7 Q. How are you this morning?

8 A. Good.

9 Q. I'm sorry?

10 A. Good.

11 Q. You're going to have to speak up,
12 please, both because of the air conditioners
13 that are running and so madam reporter can
14 hear you and also so I can hear you.

15 A. Okay.

16 Q. Is that going to be a problem?

17 A. No.

18 Q. It might help if you take your
19 hands down from your mouth, too. It's just a
20 suggestion. Are you on any medication today?

21 A. Yes.

22 Q. What have you taken?

23 A. Klonopin, Xanax, Paxil, and
24 Synthroid.

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1 confusion about it as I tried to be more
2 specific. So let me ask you to turn to
3 page 1560.

4 (Cell phone rings.)

5 THE WITNESS: I'm sorry. It's my
6 daughter. They're in finals, so she wants to
7 know if I can go and meet her.

8 (Off-the-record discussion.)

9 Q. Okay. So I'm going to hand you
10 Exhibit 3, which is the complaint, and I'm
11 turning to page 4, and I'm just going to
12 revisit this chronology real quick with the
13 documents in front of us.

14 First off, although the complaint
15 on its face in paragraph 18 says July 5 of
16 '97, we've determined that's July 5 of '99,
17 correct?

18 A. Correct.

19 Q. Okay. So chronologically speaking,
20 the first entry in terms of time related to
21 Lieutenant Foster begins on paragraph 19 with
22 the August 24, '97 date, correct?

23 A. Correct.

24 Q. Okay. And that's the first time

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1 A. Yeah. I'm sure. I don't remember.
2 I don't remember what occurred.

3 Q. Okay. But I want to make sure I
4 understand you. Are you saying "I'm sure"
5 meaning "I'm sure there must have been other
6 events, but I don't remember," or are you just
7 saying "I don't remember"?

8 A. I don't remember.

9 Q. Okay. Okay. There's a March 9,
10 2000 entry on page 15 of your notes. Take a
11 look at that. It carries over to the next
12 page.

13 MR. DILDAY: Can we take a
14 five-minute break?

15 MR. PORR: Oh, sure.

16 (Recess taken from 11:33 A. M. to
17 11:52 A. M.)

18 MR. PORR: We're back on the
19 record.

20 Q. And before we resume, Ms. Pechner,
21 I notice -- I'm sorry. Ms. James. Please
22 forgive me because I've looked at so many
23 records that have your maiden name versus your
24 married name, that's the name that sticks in

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1 sworn in as a police officer. Okay?

2 Q. Okay. Would you prefer we move to
3 a different room?

4 A. You know what? I just want to get
5 the depositions over with.

6 MR. CAPIZZI: I've raised this with
7 Mr. Dilday about not doing them here because
8 of the allegations made. He prefers this for
9 his convenience. That's why we're here.
10 Mr. Akerson's depositions are supposed to be
11 conducted in Worcester.

12 We're doing it here as a
13 convenience to both Mr. Dilday and his
14 clients. I've had a brief discussion about
15 this in the past. I just want that known on
16 the record.

17 Q. Okay.

18 (Off-the-record discussion between
19 Mr. Dilday and the witness.)

20 Q. I'm trying to nail down because I'm
21 entitled to nail down the basis for your
22 statement that Captain Colannino got Kevin
23 Colannino's name at the top of the list, and
24 you said because "his boy Russo" did it, and I

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1 A. I don't remember.

2 Q. Well, wait a minute. It says, "I
3 am well aware of this incident because I was
4 the reporting officer." Do you see that?

5 A. There you go. You answered your
6 own question.

7 Q. So what did --

8 MR. PORR: I'm sorry. We need to
9 stop for a minute. Mr. Dilday stepped away
10 from the table and is on his cell phone.

11 (Off the record from 12:50 P. M. to
12 12:52 P. M.)

13 MR. DILDAY: You could have kept on
14 going.

15 MR. PORR: Mr. Dilday, we just --
16 on the record, we just came off a brief break
17 while you took a cell phone call. You had
18 stepped away from the table, and you indicated
19 that I could have continued. I appreciate
20 you're extending that courtesy, but
21 professionally I don't think I could continue.

22 MR. DILDAY: Okay.

23 MR. PORR: When the plaintiff, the
24 opposing party's counsel has to step away from

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1 in the fall of 2005?

2 A. Yes.

3 Q. Using that date as a point of
4 reference, since the restraining order by
5 Mr. James against you, have you had any
6 contact with Mr. James, again, Richard James?

7 A. Since he's taken the restraining
8 order out?

9 Q. Since the restraining order, yes,
10 ma'am.

11 A. Yes.

12 Q. Do you have any information right
13 now that you could tell me that Lieutenant
14 Bernard Foster was aware of the allegation
15 that Roy Colannino stole property from the
16 Zayre's tent sale?

17 A. No.

18 Q. Do you know if Roy Colannino paid
19 money or paid by credit card for any property
20 from the Zayre tent sale?

21 A. No.

22 MR. AKERSON: I'm all set with this
23 witness, Mr. Porr.

24 MR. PORR: One or slightly after,

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1 so I guess we're done for the day.

2 MR. DILDAY: Okay. Thank you,
3 gentlemen.

4 MR. AKERSON: I state for the
5 record that given a couple pending motions, I
6 deem this deposition to be suspended, not
7 concluded.

8 MR. PORR: Yes. I agree.

9 MR. DILDAY: And for the record, I
10 deem it to be concluded, and that's based upon
11 the number of times that Ms. James has been to
12 various depositions, which I counted either
13 nine or ten separate appearances at
14 depositions.

15 MR. PORR: Yeah. And just for the
16 record, I trust you realize that the mere
17 number of times the witness has to appear at a
18 deposition may have nothing to do with whether
19 or not the deposition is in any way excessive.

20 In other words, depending upon the
21 nature of the claims, the amount of claims,
22 all the issues involved in the case, just
23 because there's been nine different sessions
24 doesn't necessarily mean that, you know, it's

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1 been excessive.

2 MR. DILDAY: Doesn't mean that
3 they're not excessive either.

4 MR. PORR: No. I understand that.
5 It just means there's been nine sessions.

6 MR. DILDAY: True. We agree on
7 that.

8 MR. PORR: Okay. Fair enough.

9 MR. AKERSON: Lastly, to conclude
10 this, what I deem to be a suspended
11 deposition, I also add to Mr. Porr's comments
12 that the depositions have started late and
13 ended early at excessive rates throughout my
14 view. I think that will be addressed with
15 Judge Sorokin as well. Thank you for coming.

16

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18 (The deposition then adjourned at 1:03 P. M.)

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